

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 8685 of 2007(H)

AGAINST THE ORDER IN OS.553/2000 IN
EP.142/2006 of PRL.MUNSIFF COURT, NEDUMANGAD
.....

PETITIONER:

USHAKUMARI,AGED 36 YEARS,W/O.MOHANAN,
KANNAMPALLIYMALA,THADATHARIKATHU VEEDU,MAJA P.O,
ARUVIKARA,TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:

K.SURENDRAN,AGED 61 YEARS,S/O.KOCHURAMAN
NADAR,P.S.VILLA,PALLIVILA,VATTAPAARA VILALGE,
TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/03/2007, THE COURT ON 14/03/2007 DELIVERED THE
FOLLOWING:

K.P.BALACHANDRAN, J.

W.P.(C)NO.8685 OF 2007

Dated this the 14th day of March 2007

JUDGMENT

The petitioner is the first petitioner in Ext.P2 obstruction petition filed in O.S.533/00, which is pending in execution before the Munsiff's Court, Nedumangad. It is submitted that a decree was obtained by the respondent restraining certain labourers from widening the width of the path way that connects two public roads on either side of which connecting road there are several houses and that under the cover of the decree obtained by him, the decree holder is attempting to enclose the existing pathway which will disable the occupants of the houses on either side of the connecting roads to have access to their houses. The grievance of the petitioner is that when an obstruction petition was filed by her alongwith the second petitioner in the court below to restrain execution of the decree to their detriment, the court below vide order dated 12.3.2007, dismissed the said E.A. and directed the Amin to execute the decree on that day itself with police help. Counsel for the petitioner submits that the decree is not executed till 3.45 p.m. on 14.3.2007. Prayer in this

writ petition is for a direction being given to the court below to issue carbon copy of the order dated 12.3.2007 expeditiously so as to enable the order being challenged before the appropriate forum.

2. In the circumstances, I direct the court below to issue a carbon copy of the order dated 12.3.2007 to the petitioner positively, within three days of receipt of a copy of this judgment by him if an application for carbon copy has been made by the petitioner on 13.3.2007 as is submitted by the counsel for the petitioner. The petitioner is directed to produce a copy of this judgment before the Munsiff as expeditiously as possible to enable the Munsiff to comply with the above direction. In the meanwhile, the execution of the decree if not already executed by this time, shall stand stayed for two weeks from today.

This writ petition is disposed of with the above directions.

K.P.BALACHANDRAN, JUDGE

jes